

REMARKS

Claims 23, 24 and 26-28 are pending. Claim 25 has been canceled. Claims 23 and 26 have been amended. No new matter has been presented.

Claims 23 and 26 are objected to for containing misspelled and extraneous words. These claims have been amended, and withdrawal of this objection is respectfully requested.

Claims 23 and 25 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

With respect to claim 23, the Examiner asserts that the claim limitation “cutting out image data corresponding to the designated registered image data” is not described in the specification. Claim 23 has been amended to clarify that the controller cuts out image data corresponding to the designated image area of the registered image

Paragraph [0047] states that if a user selects the image data registration process, the data of an image is registered to the image database. This, of course, creates a registered image, where the registered image has corresponding image data. Paragraph [0052] states that a listing window displays the images registered in the image database, i.e., the registered image data. Paragraph [0061] discloses that a user positions a mouse pointer on the face of a person appearing in an image displayed on the listing window and thus drags the mouse pointer. In response, a face image (which is an image area by definition) is cut out. Since the face image is a part of the image data registered in the database, and the face image is cut out, the specification clearly supports the claim limitation “cutting out image data corresponding to the registered image.”

The rejection with respect to claim 25 is moot in view of the foregoing claim amendments. Applicants request that this rejection be withdrawn.

Claim 23 is rejected under 35 USC 112, second paragraph, a being indefinite. This rejection is respectfully overcome. Claim 23 has been amended to clarify that the controller cuts out

image data corresponding to the designated image area of the registered image. The image is registered in the database according to claim 23. Thus, this rejection has been overcome.

Claims 23-28 are rejected under 35 USC 102(e) as being anticipated by Kinjo, U.S. Patent 6,813,395. This rejection is respectfully traversed.

The Examiner asserts that Kinjo's circles, triangles and rectangles correspond to registered image data, and thus Kinjo teaches "cutting out image data corresponding to the registered image." However, claim 23 defines that the registered image refers to the image displayed on the display unit. The image displayed on the display in Kinjo is the original image data. Thus, the shapes disclosed in Kinjo can not possibly correspond to the registered image data. Kinjo's "original image data" (see Fig. 4) corresponds to the claimed image data corresponding to the registered image. The shapes referred to in Table 1 do not correspond to image data of the registered image *which is displayed on the display unit*.

With respect to claim 24, applicants previously submitted that Kinjo fails to teach or suggest cutting out the image of a face of a person from the image data. In response, the Examiner asserts that the features upon which applicants rely (i.e., actual face is cut out, not a shape which is similar to the shape of a face) is not recited in the claim. Applicants respectfully disagree.

Claim 23, from which claim 24 depends, recites "a designator for designating an image area of the registered image displayed on the display unit and a controller for cutting out image data corresponding to the designated image area of the registered image." Claim 24 recites that the image corresponding to the image area is an image of a face of a person. If the image corresponding to the image area is an image of a face of a person, then claim 24 recites that the actual face of a person cut out. Thus, since Kinjo would extract a circle which matches the shape of a face of a person, not the face itself, Kinjo fails to teach or suggest the features of claim 24.

Claim 27 is allowable because it is a method claim which recites substantially the same features recited in claim 24. Claim 28 is a computer-readable medium claim which recites

substantially the same features recited in claim 24, and is therefore allowable for the same reasons claim 24 is allowable. Accordingly, applicants request that this rejection be withdrawn.

Applicants request that the amendments made in this after-final Amendment be entered in this case since they merely correct obvious typographical errors and clarify the invention as it was already recited. The amendments do not raise new issues which would require additional search and/or consideration.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 245402004000.

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